UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,361	01/09/2002	Kenneth S. Ehrman	58886-00006USPT	6354

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EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/043,361	EHRMAN ET AL.
Office Action Summary	Examiner	Art Unit	
	James A. Kramer	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner notes that claims 10 states:

"A method for managing data associated with assets, said method comprising:

- storing and processing a first data set of the data on a first computing system;

- storing and processing a second data set of the data on a second computing system coupled to an asset;

- communicating the first and third data sets between the first and third computing systems;

- communicating the second and third data sets between the second and third computing systems; and

- communicating between the first and third computing systems independently of communicating between the second and third computing systems."

Claim 19 includes:

"A system for managing data associated with assets, said system comprising:

- means for storing and processing a first data set of the data on a first computing system;

- means for storing and processing a second data set of the data on a second computing system coupled to an asset;

- means for communicating the first and third data sets between the first and third computing systems;

- means for communicating the second and third data sets between the second and third computing systems; and

- means for communicating between the first and third computing systems independently of communicating between the second and third computing systems."

Examiner notes that claims 10 and 19 are missing a third data set, as well as a third computing system. Examiner suggests adding the following limitation for claim 10, "storing and processing a third data set of data on a third computing system". In addition, claim 19 should include; "means for storing and processing a third data set of the data on a third computing system".

As a result of these missing limitations, claims 10-20 have numerous antecedent errors which render the claims unclear.

Examiner will interpret the claims as including the suggested limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20, as interpreted by the Examiner are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen et al.

Gilhousen et al. teaches an alternating sequential half duplex communication system. In particular, Gilhousen et al. teaches:

a management computing system including:

- a first computing unit for processing a first data set of the data,

- a first storage unit coupled to said first computing unit and having at least one database stored thereon for maintaining the first data set, and

- a first transceiver coupled to said first computing unit for communicating the first data set (Claim 1).

Examiner references Figure 1; 16 and 18; and column 5; line 67 – column 6; line 8, "one or more system user facilities in the form of central dispatch offices, message centers or communication offices 16 are tied through a telephonic, optical, satellite or other dedicated communication link to the Hub 14. In addition, for large numbers of remote customer message centers, a message or network management center 18 can be employed to more efficiently control the priority, access, accounting and transfer characteristics of message data."

Examiner notes that the user facilities in the form of central dispatch offices, message centers or communication offices represent a management computing system. The transfer of message data represents a computing unit for processing a first data set (e.g. message data). The communication link between the user facilities for communicating message data and the Hub represents a transceiver (a device that both transmits and receives signals) for communicating the first data set.

Finally, Examiner asserts that for message data (first data set) to be sent from the user facilities (management computing system) to the Hub, the user facilities (management computing systems) necessarily contains a memory device which stores the message data (first data set). This inherent memory device represents a database for maintaining the first data set (message data). In support of the assertion of inherency above, Examiner notes that the system of Gilhousen et al. would be unable to function as disclosed (i.e. user facilities tied through a

communication link to the Hub, column 5 line 67- column 6; line 3) without the user facilities

(management computing systems) including a memory device (data base). As such a memory

device (data base) is necessary to the user facility (management computing systems) as taught by

Gilhousen et al.

Examiner notes that the analysis applied above further applies to storing and processing a

first data set of the data on a first computing system (claim 10) and a means for storing and

processing a first data set of the data on a first computing system (claim 19).

Gilhousen et al. teaches:

a wireless device coupled to an asset and including:

- a second computing unit for processing a second data set of the data,
- a second storage unit coupled to said second computing unit and having at least one database stored thereon for maintaining the second data set, and
- a second transceiver coupled to said second computing unit for communicating the second data set (claim 1).

Examiner references Figures 1 and 3 and notes that antenna 30 shows that the transceiver

of Figure 3 is both wireless and attached to a truck (asset) (illustrated in Figure 1) .

Examiner references Figure 3 and column 13; lines 12-15, "The mobile transceiver or

terminal 70 incorporates a low cost microprocessor or similar controller 74 for implementing

signal processing, acquisition and demodulation functions." The microprocessor 74 represents

Applicant's second computing unit for processing second data.

Examiner references Figure 3 and column 14; lines 15-17, "The decoded message bit

may be temporarily store in a memory element 86." Examiner notes that memory element 86

represents second storage unit with a database for maintaining second data set.

Examiner references Figure 3 and column 12; lines 52-61, "In Figure 3, a transceiver 70

is shown for receiving and demodulating communication signals 24b from the Hub 14 and

satellite 20 (shows a second transceiver for communicating the second data set). The transceiver

70 is connected to the antenna 30 through a diplexer 32 for receiving the satellite downlink

signal 24b which is transferred into a demodulator 72 for demodulation into an encoded symbol

stream (digital message)." Examiner notes that the digital message represents second data set,

therefore the transceiver of Figure 3 which communicates the digital message represent

Applicants second transceiver for communicating the second data set.

Examiner notes that the analysis applied above further applies to storing and processing a

second data set of the data on a second computing system (claim 10) and a means for storing and

processing a second data set of the data on a second computing system (claim 19).

Gilhousen et al. teaches

an infrastructure device including:
- a third computing unit for processing a third data set of the data,
- a third storage unit coupled to said third computing unit and having at least one
  database stored thereon for maintaining the third data set, and
- at least one third transceiver coupled to said third computing unit for communicating
  the first and third data sets with said first transceiver and the second and third data
  sets with said second transceiver, said at least one third transceiver being operable to
  communicate independently with each of said first and second transceivers.

Examiner notes that the Hub as taught in the previous arguments above represents

Applicant's infrastructure device. Column 7; lines 14-17 states, "message data are transferred

into the Hub . . . where they are converted into digital message signals." Examiner notes that this

represents a third computing unit for processing a third set of data.

Further, column 17; lines 21-24 states, "Messages can be received directly as digital data

at various bit rates and accumulated and stored for translation to a desired system transfer rate".

Examiner notes that the accumulation and storage of the digital data represents a storage unit

with database for maintaining the third data set.

Examiner once again references column 7; lines 14-17, ""message data are transferred

into the Hub . . . where they are converted into digital message signals." Examiner also relies

on the analysis provided above and again notes that;

1. message data represents first data set communicated between the transceiver of

   the management system (first transceiver) and the Hub (third transceiver) (Figure

   1; 16 and 18; and column 5; line 67 – column 6; line 8); and

2. digital messages represent second data, communicated between the wireless

   device (second transceiver) and the Hub (third transceiver) (Figure 3 and column

   12; lines 52-61).

Examiner notes that these two interactions (e.g. Hub with user facilities and Hub with

wireless device) are completely independent. This is represented by the fact that they happen at

different transaction rates.

Examiner notes that the analysis applied above further applies to storing and processing a

third data set of the data on a third computing system (claim 10) and a means for storing and

processing a third data set of the data on a third computing system (claim 19).

The analysis also applies to claim 10:

"communicating the first and third data sets between the first and third computing

systems;

communicating the second and third data sets between the second and third

computing systems

communicating between the first and third computing systems independently of

communicating between the second and third computing systems"

As well as claim 19:

"means for communicating the first and third data sets between the first and third

computing systems;

means for communicating the second and third data sets between the second and

third computing systems

means for communicating between the first and third computing systems

independently of communicating between the second and third computing systems"

Gilhousen et al. teaches that the communication between the (i) first and third and (ii) the

second and third transceivers are asynchronous (claims 2 and 11) (column 7; lines 19-25).

Examiner notes that Applicant fails to define asynchronous in the Specification. Therefore

Examiner will apply the definition of asynchronous which is not happening at the same time

(Webster's II New Riverside Dictionary). As such, Examiner interprets this claim to mean that

communication (i) and communication (ii) do not happen at the same time. This is taught by

Gilhousen et al. by the fact that transmission rates between the Hub (third) and the user facilities

(first) and the Hub (third) and the wireless device (second) happen at different rates and that the

Hub is able to store data for translation to a desired system transfer rate. Examiner notes that in

order for the Hub receive and store data at one rate and then transfer the data at a different rate, the receiving and storing must be asynchronous.

Gilhousen et al. teaches that the second transceiver is a wireless transceiver (claim 3 and 12). Examiner once again references figures 1 and 3 and notes that the antenna 30 illustrates that the second transceiver is wireless.

Gilhousen et al. teaches the wireless device is an asset communicator (claims 4 and 13). Examiner references column 5; lines 30-33, "In Fig. 1 a communication system 10 is illustrated having a mobile terminal mounted in a vehicle such as a truck 12." Examiner notes that this mobile terminal mounted in a truck represents an asset communicator.

Gilhousen et al. teaches the data sets include a temporal identifier (claims 5 and 14) Column 8; lines 9-24 states that "to decrease interference and accommodate a large number of terminals at potentially different burst rates, a Time Divisional Multiplexed (TDM) transmission scheme is used. The TDM approach divides the total transmitted (or received) spectrum into temporal increments or frames of predetermined length." Examiner notes that these temporal increments represents temporal identifiers.

Gilhousen et al. teaches wherein the assets include at least one of the following: military, commercial and personal (claims 6 and 15). Examiner notes that a truck is clearly one of these options (column 5; lines 30-32).

Gilhousen et al. teaches wherein the commercial equipment includes at least one of the following factory vehicles, automobiles, trucks, aircraft servicing equipment, boats, airplanes and machinery (claims 7 and 16). Examiner note that Gilhousen et al. teaches trucks (column 5; lines 30-32).

Gilhousen et al. teaches wherein the assets include at least one of fixed and mobile assets (claims 8, 17 and 20). Examiner notes that a truck is a mobile asset (column 5; lines 30-32).

Gilhousen et al. teaches wherein the second data set is a subset of the first and third data sets (claims 8 and 19). Examiner once again references column 7; lines 14-24 and notes that the message data (first data) is received at the Hub where they are converted (third data) into digital messages (second data). Examiner further notes that this conversion can include the accumulation or storage of the messages for translation (third data) to a desired system transfer rate. Examiner notes this teaching represents that the conversion (third data) by the Hub of the message data (first data) to digital messages (second data) represents the fact that the second data is a subset of the first and third data.
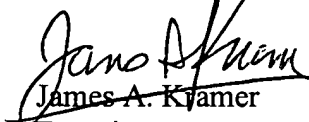
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

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